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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,271	04/24/2006	Andrea Casoni	6097P068	7517
8791 7590 01/21/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
WONGWIAN, PHUTTHIWAT				
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01/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,271

Applicant(s)

CASONI ET AL.

Examiner

PHUTTHIWAT WONGWAN

Art Unit

3741

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 02/13/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter in claim 1, "the first control loop" and "the fuel valves" and subject matter in claim 19 "a second control loop" and "a vent valve" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because in Figures 1-13, the lines are not well defined. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are

solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if

an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

4. The abstract of the disclosure is objected to because the abstract contains the word "said". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
7. As to claim 1, the limitation "a first control loop which controls the opening of the fuel valves to keep the temperature T_{fire} of the gas at the inlet of the first wheel of the turbine and the fuel-air ratio within specified limits" does not describe in the specification of how the first control loop is implemented and control the fuel vales. For example, the specification should describes the control loop as, the controller receives the feedback

signal from sensor, the controller is pre-programmed to calculate the engine parameter and the controller send the signal to fuel value to control the fuel.

8. As to claim 19, the limitation "a second control loop which controls the opening of a vent valve to keep the temperature rise T_{rise} of the gas in the combustion chamber (and consequently the fuel-air ratio F/A) within specified limits;" does not describe in the specification of how the second control loop is implemented and control the vent valve. For example, the specification should describe the control loop as, the controller receives the feedback signal from sensor, the controller is pre-programmed to calculate the engine parameter and the controller send the signal to vent value to control the air inlet.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. As to claims 1-45, the limitation "a first control loop which controls the opening of the fuel valves" see claim 1, line 4-5 and in claim 19, the limitation "a second control loop which controls the opening of a vent valve". A control loop per se is not capable of controlling the valve and the claims lack of any type of means or device to input the signal to the valve and to receive the signal at the valve position, thus the claims are lacking of the essential elements; see MPEP 2172.01.

12. In claims 1-45, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example in claim 1, the limitation "the said", "a reference temperature TXbase to which are added corrections relating to a single environment or operating parameter" and "fuel-air ration"

13. As to claim 1, the phrase "such a way" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

14. Claims 1-45 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. For example, in claim 1, the limitation "said turbine", "the fuel valves" and "the first wheel" are lack of antecedent basis; in claim 19, the limitation "the control", "said turbine" and "the compression ratio" are lack of antecedent basis.

15. Regarding claim 19, the word "means" is preceded by the word(s) "of" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding

"means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

16. As to claims 3 and 26, the limitation "0 mmH20" should be changed to standardize pressure unit such as "pound per square inch".

17. As to claims 1-45, the abbreviations such as "Tfire", "F/A" and TX are indefinite and should be deleted from the claims.

18. As to claims 1-45, it is unclear whether the applicant claims the limitation inside the paranthesis ().

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuh (US Patent No. 4,809,497).

21. As to claims 1, 2 and 4, (as best understood), Schuh discloses corrected parameter control method for a two-shaft gas turbine

22. As to claims 1-18, (as best understood), Schuh discloses the protection of the turbine is provide by a first control loop (fig. 6) which controls the opening of fuel valves 66 (fig. 6) to keep the temperature of the exhaust gas at the inlet of the first stage of the turbine and the fuel-air ratio within specified limits; a control 64 (fig. 5) is provided the set point exhaust temperature is calculated as the sum of a reference temperature to

which are added corrections relating to a single environment (page 2, lines 5-15, *"The control system also features two other novel control loops. One controls exhaust gas temperature by scheduling the flow of fuel to the engine as it is accelerated during start-up and controls turbine rotor speed after 100% of design speed is reached by varying the flow of fuel to the engine. The other controls the turbine exit temperature after design speed is reached by varying the positions of an annular array of load compressor inlet guide vanes incorporated in the unit. These vanes can, also, be closed when the unit is started to reduce air flow to the load compressor, thereby reducing acceleration drag on the power head of the unit and, consequentially, the power needed to start the engine"*) wherein the corrections are calculated by computer simulations 64 (fig. 5) of the gas turbine, the simulations being conducted by specifying the attainment of maximum of the exhaust temperature (inherent, the system will specify the maximum operating temperature the exhaust gas).

Schuh silent of the exact mathematical formulae use to calculate the result of the exhaust temperature and the details step of calculating the exhaust temperature of the gas turbine engine.

However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Schuh's first control loop that controls the turbine exit temperature after design speed is reached (as cited above) to make use of an optimal formula or algorithm in order to reduce acceleration drag on the power head of the unit and, consequentially, the power needed to start the engine since, the use of the exact formula or the step of calculation was predictable to one of ordinary skill in the art based

routine testing to achieve an optimal outcome. See KSR decision, specifically rationale A.

23. As to claims 19-45, (as best understood), Schuh discloses the control of the turbine at partial loads is provided by a second control loop 126 (fig. 8) which controls opening of a vent valve 122 (fig. 5) to keep the temperature rise of the exhaust gas in the combustion chamber within specified limits (inherent), the control is provided by means of sets of maps of the exhaust temperature as a function of the compression ratio obtained for each operating condition of the gas turbine (page 2, lines 5-15, *"The control system also features two other novel control loops. One controls exhaust gas temperature by scheduling the flow of fuel to the engine as it is accelerated during start-up and controls turbine rotor speed after 100% of design speed is reached by varying the flow of fuel to the engine. The other controls the turbine exit temperature after design speed is reached by varying the positions of an annular array of load compressor inlet guide vanes incorporated in the unit. These vanes can, also, be closed when the unit is started to reduce air flow to the load compressor, thereby reducing acceleration drag on the power head of the unit and, consequentially, the power needed to start the engine"*).

Schuh silent of the exact mathematical formulae use to calculate the result of the exhaust temperature and the details step of calculating the exhaust temperature of the gas turbine engine.

However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Schuh's first control loop that controls the turbine exit

temperature after design speed is reached (as cited above) to make use of an optimal formula or algorithm in order to reduce acceleration drag on the power head of the unit and, consequentially, the power needed to start the engine since, the use of the exact formula or the step of calculation was predictable to one of ordinary skill in the art based routine testing to achieve an optimal outcome. See KSR decision, specifically rationale A.

Conclusion

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUTTHIWAT WONGWIAN whose telephone number is 571-270-5426. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL A. CUFF can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. W./
Examiner, Art Unit 3741

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3741